

REMARKS/ARGUMENTS

As a result of this Amendment, claims 1-26 and 33-35 are under active consideration in the subject patent application as claims 27-32 have been canceled. A Request for Continuing Examination (RCE) application has been filed in conjunction with this Amendment.

As a preliminary issue, the new owner's of the subject application have been made aware of numerous references after receipt of the Final Official Action. An Information Disclosure Statement and Form PTO -1449 are filed concurrently with this response.

The Director is hereby authorized to charge the RCE fee required under 37 CFR 1.17(e), namely \$810.00, the fee for a four (4) month extension of time to file the response, namely \$1,730.00, the fee for submission of an IDS under §1.97(c), namely \$180, to Deposit Account No. **04-1679**.

In the Final Action, the Examiner:

- 1) rejected claims 27-29 under 35 U.S.C. § 102(b) for allegedly being anticipated by U.S. Patent No. 5,196,020; and
- 2) provisionally rejected claims 1-32 for alleged obvious-type double patenting over claims 1-44 of copending Application No. 11/398,185.

With respect to Item 1, claims 27-32 have been canceled without prejudice to Applicant's right to pursue the subject matter of these claims in related applications.

With respect to Item 2, a terminal disclaimer was filed on July 30, 2008, in connection with a response to the Official Action mailed January 31, 2008. A copy is

enclosed for the convenience of the Examiner. Accordingly, the provisional double-patenting rejection should be withdrawn.

Claim 25 has been amended to correct a typographical error. None of the references cited by the Examiner or in the accompanying IDS teach or suggest an apparatus for processing harvested dermal tissue as recited in claims 1 and 25. Claims 2-24 and 26 depend from claims 1 and 25, respectfully, and are allowable for at least this reason. Applicants respectfully request reconsideration and allowance of claims 1-26.

New claim 33 recites "a hand-held apparatus for processing harvested tissue, comprising: a cutting head; a cutting assembly disposed within the cutting head, the cutting assembly including a plurality of spaced apart blades having tips, the blades configured to rotate with respect to the cutting head to cut through the harvested tissue; a first handle extending from the cutting head and providing a first gripping surface; a second handle pivotally coupled to the cutting head and providing a second gripping surface; and a first separator connected to the cutting head, the first separator having a first plurality of tines sized and arranged to interdigitate with the spaced apart blades, the first separator configured to dislodge sliced tissue from the blades when the hand-held apparatus is moved in a first direction." Support for new claim 33 may be found throughout the specification as filed, and specifically at, for example, paragraphs 31, 32, 35, 39-40, 49-50 and 60. No new matter has been added.

None of the references cited teach or suggest a hand-held apparatus for processing harvested tissue as recited in new claim 33. Applicants respectfully request examination and allowance of claim 33.

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Docket No.: E3383-00096 (702.246.02)
Amendment


New claims 34 and 35 recite additional features of the hand-held apparatus recited in claim 33. Support for new claims 34 and 35 may be found throughout the specification as filed, and specifically at, for example, paragraphs 39, 40 and 50-54. No new matter has been added.

New claims 34 and 35 depend from claim 33 and are allowable for at least this reason. Applicants respectfully request examination and allowance of new claims 34 and 35.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicant's undersigned Attorney invites the Examiner to telephone him at **215-979-1255**.

Respectfully submitted,

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